



***Town of Tyngsborough
Planning Board***
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 115

MINUTES
January 6, 2011
APPROVED

Attachments:

1. Meeting Agenda
2. Application for Special Permit Sign-In for 54R Locust Ave. Cell Tower Co-Location.
3. SBA Towers Visibility Maps from Balloon Test – December 18, 2010
4. SBA Tower Alternate Location Site Plan – 1/6/2011
5. ANR Application for 15 Davis Street – 12/13/2010

Members Present: Steve Nocco, Chairman
Tom Delmore, Vice Chairman
Steve O'Neill
Bill Gramer
Caryn DeCarteret, Associate Member
Jesse Johnson, P.E.: David E. Ross Associates
Pamela Berman, Administrative Assistant

7:00pm - Meeting called to order by Chairman S. Nocco

7:02pm - 54R Locust Ave. aka, 54-56 Locust Avenue Special Permit submission for Cell Tower Co-Location: STC Six Company & LightSquared LP.

Applicant representative Attorney Greg Mercier appeared before the Board to submit an application for a special permit. All of the necessary information was included, and all fees were submitted. A hearing date of February 17, 2011 was set.

7:05pm - 180 Sherburne Ave. – SBA Towers for T-Mobile, USA Special Permit
Application for the proposed installation of a ~160ft. monopole style cell tower –
Continued from December 16, 2010.

Board member Tom Delmore recused himself from this hearing, as he is an abutter to this project.

Attorney Kevin Eriksen representing the applicant appeared before the Board to report that a second balloon float test was done on December 18, 2010. The two alternative locations proposed at the December 16, 2010 meeting were included in this test. Those results were submitted to the Board for review. With the submission, Atty. Eriksen requested that the Board indicate their preference of alternative sites (either 1 or 2) to be re-engineered. This would provide the applicant with the final proposed site location to submit to the Board for the Special Permit application.

The Board indicated that their alternative site preference was site location 2 which was approximately 400 ft. east of the original tower location. Abutters from Derby Lane and Bridle Path Way were satisfied with that site location as well, although they still remain concerned with a cell tower located close to their neighborhood. The Board asked if the new plans could be ready for the January 20th meeting, which the applicant was in agreement with.

S. O'Neill: Motion to continue the hearing until January 20, 2011

B. Gramer: 2nd the motion

In Favor: 4 Opposed: 0 Abstain: 1

Passes: 4-0-1

7:35pm - ANR Application – 15 Davis Street (Map26A, Parcel 167): Robert Lord

Attorney Peter Nicosia appeared before the Board with his clients Robert Lord and Kathleen Barker. The purpose of the ANR is to create one buildable lot in order for his clients to build another smaller home and remain residents of Tyngsborough. The lot is in an R2 zone which requires a 20,000 sq. ft. lot size with a minimum of 75 ft. of frontage. He went on to say that they would have to apply to the ZBA to address the non-conformities of the lots. S. Nocco indicated that the Board cannot make any existing lot less conforming than it already is, which he believes, is what is proposed with this ANR plan. Planning Board engineer Jesse Johnson noted that the frontage requirement is met with this plan. Atty. Nicosia added that if it's a subdivision that shows adequate frontage, then you can subdivide under the ANR statute. The Board noted that frontage does exist on both Beech St. and Davis St.

S. O'Neill: Motion to approve the ANR for 15 Davis Street.

T. Delmore: 2nd the motion.

In Favor: 3 Opposed: 1 Abstain: 1

Passes: 3-1-1

- 8:00pm -** Westford Road Development:
- A. Covenant & Development Agreement
 - B. Westford Road Development Project Update

Attorney Scott Erkisen, and developer Walter Eriksen appeared before the Board to discuss the status of the Sycamore Properties original Covenant and Development Agreement from 1987. Town Counsel issued an opinion that recommended any release of those original agreements should, “be converted to agreements between the owner of the property and the Planning Board in which the owner agrees that it has abandoned any and all rights under the definitive subdivision plan approval and agrees that the Planning Board, if it so desires, may proceed to formally rescind the plan”. With that, Atty. Eriksen agreed to draw up the appropriate documents and have Town Counsel review them before the Planning Board signs them.

Walter Eriksen briefed the Board on the status of the Westford Road Development project. He indicated that NMCOG has developed a set of design guidelines for the project to aide the Board and himself in designing Tyngsborough Commons. These guidelines have been implemented by his firm, and would help the Board in reviewing the project when it reaches that stage.

Administrative

T. Delmore: Motion to approve the minutes from December 16, 2010.
B. Gramer: 2nd the motion
In Favor: 4 Opposed: 0 Abstain: 1
Passes: 4-0-1

8:30pm

S. O'Neill: Motion to adjourn
T. Delmore: 2nd the motion
In Favor: 5 Opposed: 0
Passes: 5-0

Minutes respectfully submitted by
Pamela Berman
Planning Board Administrative Assistant